IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FOURTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 24982 of 2004

Between:

Y. Veda Vyas S/o Y.G. Sidhartha, R/o H. No. 54-16-1/11, Veterinary Colony,

Near Loyola College, Vijayawada, Krishna District

... PETITIONER

AND

1 The Commissioner of Police, Vijayawada, Krishna District
2 The Assistant Commissioner of police-II Vijayawada
3 The Inspectorof Police, Law & Order, North Circle Vijayawada, Krishna

District
4 The Station House Officer, Law &Order, Machavaram Police Station

Machavaram Mandal, Krishna District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an appropriate writ, order or direction more particularly one in the nature of writ of Mandamus declaring the action of the Respondents in opening the Rowdy sheet against the petitioner as illegal, arbitrary and consequently direct the respondents to delete the Name of the petitioner from the Rowdy Sheet and be pleased to pass such other order or orders

Counsel for the Petitioner: MR.V.RAGHU

Counsel for the Respondents: GP FOR HOME

The Court made the following order:

ORDER:

When the Rowdy Sheet was opened against the petitioner he was involved in ten criminal cases. Admittedly, no case is pending against the petitioner as on the date of filing of the counter on behalf of the respondents. It is stated that on the recommendations on the Assistant Commissioner of Police – II, Vijayawada City, a Rowdy Sheet was opened on 28.05.1994 against the petitioner and the same was being continued from time to time and it stands extended upto 31.12.2005. But on the date of filing of the counter i.e., 28.01.2005, no case is pending against the petitioner and all the cases filed against the petitioner ended in acquittal.

A Rowdy Sheet can be opened under Police Standing Order 742, which is extracted as follows:

a. Persons who habitually commit, attempt to commit or abet the commission of offences involving a breach of peace.

b. Persons bound over under Section 106, 107, 108 (c) and 110 (1) of the Code of Criminal Procedure, 1973.

c. Persons who have been convicted more than once in two consecutive years and

d. Persons who habitually tease women and girls by passing indecent remarks or otherwise; and

e. In the case of rowdies in an area under one police station but are found to be frequently visiting the

area under one or more other police stations their rowdy sheets can be maintained at all such police stations.

Admittedly, the petitioner is acquitted for all the offences registered against him. Therefore, it cannot be said that the petitioner is a habitual offender committing offences involving a breach of peace. By mere pendency of a single case and if the said offence is not related to breach of peace, it cannot be said that he is a habitual offender. There is no any order binding over the petitioner for maintenance of peace and order.

Therefore, I am of the opinion that continuation of the Rowdy Sheet against the petitioner is illegal and contrary to the Police Standing Order 742. The respondents cannot continue the Rowdy Sheet opened against the petitioner.

Accordingly, the writ petition is allowed directing the respondents to close the Rowdy Sheet opened against the petitioner. But, however, this order shall not preclude the respondents to initiate fresh action against the petitioner in accordance with the provisions of the Police Standing Order 742. No costs.

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V. ESWARAIAH, J

March 4, 2005

Dsk

Note: Furnish Copy in a week

(B/o)

Dsk

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this

Friday the Fourth day of March Two thousand and Five.

To

1 The Commissioner of Police, Vijayawada, Krishna District
2 The Assistant Commissioner of police-II Vijayawada
3 The Inspectorof Police, Law & Order, North Circle Vijayawada, Krishna

District
4 The Station House Officer, Law &Order, Machavaram Police Station

Machavaram Mandal, Krishna District

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